W.P. No. 103 of 2004 (M/S)

Hon'ble Irshad Hussain, J.

Heard Sri N.S.Negi learned counsel for the petitioners and Sri Alok Singh learned Advocate appearing on behalf of the respondent no.2.

This is petition under Article 227 of Constitution of India challenging the execution proceedings no. 1/2004 pending before the Civil Judge (J.D.) Khatima. The decree was passed on the basis of a compromise entered into between the parties to the civil suit. The validity of the execution proceedings has been challenged. The petitioners have not preferred any petition under section 47 of the Code of Criminal Procedure before the court concerned which can very well look into that matter as to the validity of the compromise and any right incidental thereto. Considering this, I am not inclined to entertain this petition at this stage and therefore the petition is dismissed in limine.

(Irshad Hussain, J.)

Dt. 26-02-2004

ISB